

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN BILL GLASER**, on January 19, 2001 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddy McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 182, 1/11/2001; SB 130,
1/11/2001
Executive Action: SB 182; SB 214; SB 60; SB 231

HEARING ON SB 182

Sponsor: SEN. JOHN COBB, SD 25, Augusta

Proponents: Lance Melton, Montana School Boards Association

**Erik Burke, Montana Education Association/Montana
Federation of Teachers**

Opponents: None

Opening Statement by Sponsor:

SEN. JOHN COBB, SD 25, Augusta, opened on SB 182 stating that the bill is an act allowing school districts to share teachers, specialists and superintendents without forming a joint school board.

{Tape : 1; Side : A; Approx. Time Counter : 1 - 3}

Proponents' Testimony:

Lance Melton, Montana School Boards Association, avowed the bill provides clarification of existing laws.

Eric Burke, Montana Education Association/Montana Federation of Teachers, concurred with Mr. Melton's testimony.

{Tape : 1; Side : A; Approx. Time Counter : 3 - 5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

SEN. COBB closed on SB 182.

{Tape : 1; Side : A; Approx. Time Counter : 5 - 6}

EXECUTIVE ACTION ON SB 182

Motion/Vote: SEN. BOHLINGER moved that SB 182 DO PASS. Motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 6 - 7}

EXECUTIVE ACTION ON SB 214

Motion: SEN. SHEA moved that SB 214 DO PASS.

Discussion:

SEN. JOHN BOHLINGER suggested that a name change should be considered for the entire university system.

Vote: The motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 7 - 9}

EXECUTIVE ACTION ON SB 60

Motion: **SEN. ALVIN ELLIS** moved to **AMEND SB 60, (SB006001.aem), EXHIBIT (eds15a01).**

Discussion:

Eddye McClure, Legislative Staff, explained the amendment would strike the words "one educator" on Page 7, line 14, and replace it with the words, "two educators". A technical change was also made to the title.

Vote: The motion carried unanimously.

Motion: **SEN. SHEA** moved that **SB 60 DO PASS AS AMENDED.**

Discussion:

SEN. ED BUTCHER stated his concerns developing national boards that would lead to more centralization of policy at the national level. **SEN. BUTCHER** believed that this would become a major budget item depleting state funding for education.

SEN. BOHLINGER was supportive of the motion. He felt this an excellent opportunity to exchange ideas.

SEN. JACK WELLS commented that he could not support the motion. He reminded the committee that the schools in Montana are good and are producing excellent students, therefore, we do not need more federal input.

Motion carried 8-4 with Butcher, Elliott, Sprague, and Wells voting no.

{Tape : 1; Side : A; Approx. Time Counter : 9 - 28}

HEARING ON SB 130

Sponsor: **SEN. FRED THOMAS, SD 31, Stevensville**

Proponents: **Arnold Polanchek, Stevensville Board of Trustees**
 Bill Perrin, Stevensville Community Foundation
 Lance Melton, Montana School Boards Association
 Dave Puyear, Montana Rural Education Association
 Erik Burke, Montana Education Association/Montana
 Federation of Teachers

Opponents: **None**

Opening Statement by Sponsor:

SEN. FRED THOMAS, SD 31, introduced SB 130. He explained the bill was developed from work being done in the community of Stevensville. This bill would enable transfer of school property through a public vote.

{Tape : 1; Side : A; Approx. Time Counter : 28 - 32}

Proponents' Testimony:

Arnold Polanchek, Stevensville Board of Trustees, rose in support of SB 130. **Mr. Polanchek** presented a brief history of the project. He addressed the needs of the community and the school district stating the bill would ease the burden of both, at no cost to the taxpayer.

Bill Perrin, Stevensville Community Foundation, echoed the statement of **Mr. Polanchek**. **Mr. Perrin** punctuated his testimony with a visual aid which explained their plans in regards to the land that the school district is willing to trade. He explained that the school board would have to look to the voters for approval.

Lance Melton, Montana School Boards Association, stated that this proposal was adopted as one of the resolutions of **MSBA'S** membership. **Mr. Melton** explained that school districts, at this time, have the ability to partner with counties and cities for common facilities and recreational grounds. **Mr. Melton** mentioned that problems occur when dealing with the private sector. He concluded that the public has the right to approve or disapprove of a transfer which must be in exchange for a binding promise to improve and provide the land for school district use and benefits.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 6}

Dave Puyear, Montana Rural Education Association, stood in strong support of SB 130. **Mr. Puyear** summarized that this would enhance

business relationships while maintaining local control within cities and towns.

Erik Burke, Montana Education Association/Montana Federation of Teachers, testified in support of SB 130. He added that **MEA/MFT** members believe that the communities are the center of schools and schools need to be at the center of the communities.

{Tape : 1; Side : B; Approx. Time Counter : 6 - 8}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

SEN. JIM ELLIOT expressed his concern with the term, "binding commitment" asking for clarification on the length of that commitment. **Lance Melton** replied it would be subject to local agreement and would be based on the agreement between the school board and the private entity, subject to voter approval.

SEN. BOHLINGER asked **CHAIRMAN GLAZER** for clarification regarding the theater in Billings as to whether this sort of exchange had taken place. **CHAIRMAN GLAZER** responded that a private college had reached an agreement with a local art school and it worked out quite well.

SEN. BOHLINGER wondered if this had been a benefit to the community. **SEN. GLASER** responded in a positive manner.

SEN. BUTCHER agreed with the idea but wondered what would happen to the property if the project fails. **SEN. THOMAS** introduced **John Powell, Stevensville Community Foundation**, and asked that the question be redirected to him. **Mr. Powell** informed the board that the deeds would have very specific language which would contain a reversal clause.

SEN. BUTCHER asked the sponsor if he would agree to an amendment that would add language for a reversal. **SEN. THOMAS** stated he would be open to improving this legislation but cautioned about making it too restrictive.

SEN. BUTCHER favored adding a broad statement to the legislation to address the abandonment of the land, protecting the land from being transferred beyond the intent of the local agreement. **SEN. THOMAS** agreed to work with **Eddie McClure** to develop language and bring it back to the committee.

SEN. RYAN remarked that he wanted to make sure that nothing in the language would prohibit a school district from exchanging land with another government entity. **Lance Melton** responded that there is a process for a school districts exchanging land.

SEN. ALVIN ELLIS, asked for clarification as to whether school district property is the property of the school district or the homestead owner. **Mr. Melton** responded that this would be true if the parcel of land is in the use of the school district but not under it's ownership.

SEN. ELLIS stated that there needs to be a provision to the bill insuring that we are not dealing with that sort of property. **Mr. Melton** believed that is addressed because it applies to land that is under ownership of the district.

SEN. ELLIS asked for reassurance on this matter. **Lance Melton** stated he would do further research on the question.

{Tape : 1; Side : B; Approx. Time Counter : 8 - 23}

Closing by Sponsor:

SEN. FRED THOMAS closed on SB 130 stating that he would work on the language and the issue suggested by **SEN. ELLIS**. He repeated that the land in question is not granted or held by the state in trust (line 26) but lands owned by the school districts. He also reemphasized that the trade would be approved by the electorate. He stated that this is an expansion of local control with a partnership between the private and public entity.

{Tape : 1; Side : B; Approx. Time Counter : 23 - 25}

EXECUTIVE ACTION ON SB 231

Motion: **SEN. RYAN** moved that **SB 231 BE AMENDED**, **EXHIBIT** (eds15a02) .

Discussion:

Eddye McClure, Legislative Branch, stated that the in the first amendment the title would be changed from "Distance Learning" to "The Electronic Delivery of Curriculum". The second amendment would insert a new section which includes a new definition.

SEN. ELLIS asked for further information regarding the splitting of ANB. **Ms. McClure** stated that the ANB would not be split.

SEN. ELLIS questioned the need for the last five words on sentence b. The question was redirected to **Lance Melton**. **Mr. Melton** stated that the words were included so multiple school districts would not claim the same student.

SEN. ELLIS repeated the fact that he was still confused about the wording. **Mr. Melton** replied that there would not be a problem in striking the remaining words.

SEN. BOHLINGER inquired how the amendment would deal with the problem of electronic delivery of a curriculum if a student were to receive instruction from several different schools.

{Tape : 1; Side : B; Approx. Time Counter : 25 - 32}

Mr. Melton referred to Subsection 2 at the bottom of the first page. It states that the district can contract with other districts or private or public entities. This amendment would give the home district responsibility for it's students while allowing the district to contract with other public and private entities.

SEN. BOHLINGER questioned how payments are made to schools that are providing distance learning. **Mr. Melton** replied that many schools have inner local agreements already in place. **Mr. Melton** cited satellite delivery is one example in place at this time.

SEN. BUTCHER suggested the bill has potential but is missing the key ingredient which would be to divide the ANB into fractional parts and allow the free market to work allowing a true competitive education system. **Mr. Melton** explained that there is a separate provision of law that gives the **Office of Public Instruction** the authority to allow part time ANB if the student is enrolled in a home district. The law does not allow "splitting" the child between districts.

SEN. MIGNON WATERMAN spoke in support of the amendment while sharing **SEN. BUTCHER'S** concerns. She stated that if school districts are not willing to be progressive then the legislature will have to get involved.

SEN. ELLIS echoed his support of the amendment. He suggested that the words, "obtaining instruction through electronic delivery" (Section 1, Line b) be deleted, **EXHIBIT (eds15a03)**.

CHAIRMAN GLASER asked if all members understood the changes to the amendment. All agreed and **CHAIRMAN GLASER** stated he would allow the change.

Motion: SEN. WATERMAN moved that SB 231 DO PASS AS AMENDED.

Discussion:

SEN. BOHLINGER stated his wish to provide a provision for fracturing a portion of the ANB to schools that offer unique educational opportunities.

Vote: SEN. WATERMAN'S motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 0 - 30}

CHAIRMAN GLASER briefed the committee on future hearings.

SEN. JACK WELLS commented on SB 139 and SB 140. He stated that SB 139 has an amendment that will define the term obscenity. SEN. WELLS furnished additional information regarding SB 140 and asked that it be inserted into the individual folders of the committee members, **EXHIBIT**(eds15a04).

{Tape : 2; Side : A; Approx. Time Counter : 30 - 32}

ADJOURNMENT

Adjournment: 4:35 P.M.

SEN. BILL GLASER, Chairman

LINDA ASHWORTH, Secretary

BG/LA

EXHIBIT (eds15aad)